

EXHIBIT 1

INTRODUCTION

Respondent Mark Briggs is a member of the Commission on HIV Health Services for the County of Los Angeles. Pursuant to Government Code sections 87300 and 87302, and the conflict of interest code for Los Angeles County, Mr. Briggs is a designated employee who is required to file annual Statements of Economic Interests ("SEIs") disclosing his economic interests. Mr. Briggs failed to timely file his 1999 annual SEI by the April 3, 2000 deadline.

This case was handled on an expedited basis pursuant to the SEI Expedited Procedures adopted by the Commission in July 1999.

For purposes of this Default, the violation of the Political Reform Act ("Act")¹ is as follows:

COUNT 1: Failure to timely file a 1999 annual Statement of Economic Interests, in violation of Government Code sections 87300 and 87302.

RESPONDENT: Mark Briggs

SUMMARY OF THE LAW

In order to avoid conflicts of interest, section 81002, subdivision (c) provides that the assets and income of public officials, which may be materially affected by their official actions, should be disclosed and in appropriate circumstances the officials should be disqualified from acting.

In furtherance of this purpose, section 87300 requires every agency to adopt and promulgate a Conflict of Interest Code. The agency's Conflict of Interest Code has the force and effect of law, and any violation of the code is deemed a violation of the Act. (Sections 87300 and 87302.)

Section 87302 specifies that an agency's Conflict of Interest Code must designate the employees who are required to disclosed reportable investments, business positions, interests in real property and income on a statement of economic interests.

Section 87302, subdivision (b) requires a new designated employee to file an assuming office SEI within 30 days after assuming office, or 30 days after being appointed or nominated. In addition, the subdivision requires that the designated employee file annual SEIs at a time specified in the Conflict of Interest Code and a leaving office SEI within 30 days of leaving their position with the agency.

¹ The Political Reform Act ("Act") is contained in Government Code sections 81000 through 91014. All references to "Section(s)" are to the aforementioned Government Code unless otherwise indicated. Commission regulations appear at Title 2, California Code of Regulations, section 18109, *et seq.*

THE ADMINISTRATIVE PROCEDURE ACT

Pursuant to the Administrative Procedure Act (“APA”)², a Respondent is entitled to a hearing on the merits “if the Respondent files a Notice of Defense within 15 days after service” of the Accusation. (Section 11506.) The APA further provides that Respondent’s failure to file a Notice of Defense constitutes a waiver of Respondent’s right to a hearing. (Section 11506, subd., (c).) Section 11520, subdivision (a), also provides that a default may be taken if the Respondent fails to file a Notice of Defense.

The Accusation in this matter was personally served on Respondent on March 14, 2001. The proof of service is attached hereto as Attachment A. Along with the Accusation, the Enforcement Division served Respondent with a “Statement to Respondent” which notified Respondent that he could request a hearing on the merits and warned Respondent that, unless a Notice of Defense was sent within fifteen days of service of the Accusation, Respondent would be deemed to have waived his right to a hearing.

More than fifteen days have now elapsed and Respondent has not filed a Notice of Defense.

SUMMARY OF THE FACTS

Mark Briggs is a member of the Los Angeles County Commission on HIV Health Services. As a designated employee under the county’s conflict of interest code, he was required to file an annual SEI with the county filing officer or before April 3, 2000³ disclosing economic interests held during the previous calendar year.

On April 17, 2000 and May 22, 2000, John McKibben, Deputy Executive Officer for the Los Angeles County Board of Supervisors, sent letters to Mr. Briggs stating that his annual 1999 SEI had not been received by the April 3, 2000 deadline. The letters requested that the SEI be filed as soon as possible. The second letter advised Mr. Briggs that the matter would be referred to the Fair Political Practices Commission’s Enforcement Division if the SEI was not filed within 10 days.

On June 16, 2000, Mr. McKibben referred the matter to the Commission for assistance. On July 5 and July 6, 2000, Commission Investigator Bill Motmans left a message for Mr. Briggs on his residence telephone regarding the failure to file his 1999 annual SEI. Mr. Briggs did not respond to these messages, but he did file his 1999 annual SEI the on July 25, 2000. The SEI disclosed that Mr. Briggs had no reportable interests.

Mr. Briggs was recently the subject of a prior enforcement action, FPPC No. 99/688, regarding the late filing of his 1998 annual SEI. In 1999, Mr. McKibben sent five letters to Mr. Briggs requesting that he file his 1998 annual SEI, before referring the matter to the Commission on October 6, 1999. After Commission staff left telephone messages for him, Mr. Briggs filed the delinquent SEI on November 5, 1999. Since he filed promptly, the case was closed without further enforcement action.

² The Administrative Procedure Act is found at Government Code section 11500, *et seq.*

³ Since April 1st fell on a Saturday, the filing deadline for Mr. Briggs’ 1999 SEI was Monday, April 3, 2000.

Invesitgator Motmans' declaration regarding the foregoing summary of facts is attached hereto as Attachment B.

CONCLUSION

This matter consists of one count, which carries a maximum possible administrative fine of Two Thousand Dollars (\$2,000). The facts of the case justify imposition of a fine of One Thousand Dollars (\$1,000).